APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,886	12/17/2001	Steve Vlcan	CITI0314	7290

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EXAMINER
MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
01/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/015,886	Applicant(s) VLCAN ET AL.	
	Examiner ARAVIND K. MOORTHY	Art Unit 2431	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>07 January 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: **(1)** an amendment, affidavit, or other evidence, which places the application in condition for allowance; **(2)** a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or **(3)** a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>*1-3,5-11 and 13-18*</u>.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Christopher A. Revak/
Primary Examiner, Art Unit 2431

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20090112

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that Winburn does not disclose "modifying an address of the install module by the redirect module to include a parameter to indicate the remote location of the file," as recited in claim 1 and similarly recited in claim 10. The examiner respectfully disagrees. Winburn teaches that an address is camouflaged to create a recovery address group. The monitoring process and system, as shown and described with reference to FIGS. 3 and 6, uses the identifier stored in the recovery address group and a test identifier produced from the current protected data file to determine if the current protected data file used to produce the test identifier is the same as the authorized protected data file. As shown in FIG. 4 and FIG. 6, the processor 13, 16, as scheduled or responsive to a sensed event, as described above, produces a test identifier (51). The identifier stored in the recovery address group 35 in the active memory 14 is accessed (53) and the test identifier and identifier are compared (55). However, as would be apparent to those skilled in the art, any other suitable system may be used to compare the authorized protected data file with the current protected data file. The examiner asserts that the read identifier indicates the location of the file. The applicant argues that Winburn does not disclose "communicating the request by the authentication module to the install module in a login page that instantiated the file at the remote location". The applicant argues that Winburn does not disclose "reinstalling the file by the install module at the remote location via the communication medium, thereby maintaining the integrity of the file". The examiner respectfully disagrees. Winburn discloses that the identifier stored in the recovery address group and a test identifier produced from the current protected data file to determine if the current protected data file used to produce the test identifier is the same as the authorized protected data file. As shown in FIG. 4 and FIG. 6, the processor 13, 16, as scheduled or responsive to a sensed event, as described above, produces a test identifier (51). The identifier stored in the recovery address group 35 in the active memory 14 is accessed (53) and the test identifier and identifier are compared (55). However, as would be apparent to those skilled in the art, any other suitable system may be used to compare the authorized protected data file with the current protected data file. Winburn discloses that the authenticated data backup file is reconstruct authorized protected data file and to write it to the current protected data file to restore the current protected data file with the reconstructed copy. The applicant argues that Winburn and Gauvin fail to teach "generating a reinstallation web page, by the install module, based on a request from the remote location". The examiner respectfully disagrees. Gauvin teaches a reinstallation web page, based on a request from the remote location. A file is reinstalled at the remote location.